

REMARKS/ARGUMENTS

This Amendment is accompanied by a Request for Continued Examination and is further responsive to the Final Office Action dated February 15, 2011. A Petition for Extension of Time (3 Months) and the fee therefor are enclosed.

In the present Amendment, claims 7-8, 15-27, 30-38, 52, 62-70, 78-79, 82-86, 87-90 and 91-110 have been canceled. The retained claims are claim 1, amended to include the limitations of canceled claim 7, with its dependent claims 5-6, 40-49, 51 and 54-58. Newly presented independent claim 111 is constituted of the present claim 1 with the limitations of canceled claim 8. Claim 71 has been rendered in independent form by including the limitations of claim 59 and the limitations of claim 7.

In the Final rejection, claims 7 and 8 as well as claim 59 were rejected on grounds of obviousness over Franklin (7,006,768), in view of Simons (U.S. 2006/0015503).

The gist of the present submission is that Simons, specifically paragraphs [0040] and [0037] and Figures 4 and 5 thereof (on which the Office Action relies), actually fails to disclose or suggest at least “adding a weighting value.... based on the reception time of the unique information” (defined in claim 7) or “increase the weighting value as the reception times becomes newer” as defined in claim 8.

The Office Action directs the Applicant to paragraphs [0037] and [0040] of Simons. Neither the text in these two paragraphs nor the information disclosed in Figure 4 of this reference can be matched up with the limitations of either one of claims 7 or 8. Thus claim 7 (the limitations of which are now in claims 1 and 71) recites: “...the position estimation device is configured to: add a weighing value to one or more unique information received by the terminal within a past predetermined time based on the reception of the respective unique; and estimate the position of the terminal based on the unique information selected based on the result of the addition”.

In fact, neither one of the mentioned paragraphs in Simons speak of adding such a value within any specific time period based on the reception time of the respective unique information. Neither of the two paragraphs in Simons mentions anything about increasing the weighing value as the reception time becomes newer, nor selecting a unique information having the large value resulting from the addition, nor estimating the position of the terminal based on the selected unique information.

Paragraph [0037] Simons merely states that the uploading of the associated data to the database 20 can be done immediately when the data is generated or collated on a fixed time schedule, for example, hourly or daily, etc. It seems that the period on the basis of which this is repeated is rather arbitrary.

In paragraph [0040] of Simons all that is disclosed is that the user can input his known device identities in the database searches for any records relating to that identifier.

It is not seen how this Simons text (to which Applicant has been directed) has any bearing on the limitations of claim 7, now incorporated in independent claim 1 and 71, nor on the limitations of claim 8 which now appear in independent claim 111.

Accordingly, the Examiner is respectfully requested to consider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE UNITED STATES PATENT AND
TRADEMARK OFFICE
EFS FILING SYSTEM
ON AUGUST 12, 2011



MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700